

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

CYNTHIA K. HAYNES (a/k/a Cynthia K. Randolph),)
individually and under the Missouri Wrongful Death)
Statute ,)

Plaintiff,

V.

Cause No. 1:21-CV-00160-SNL

JENNIFER WILLIAMS, individually,
JENNIFER WILLIAMS, d/b/a WILLIAMS LAW,
SPAIN, MILLER, GALLOWAY & LEE, LLC,
a Missouri limited liability company,
BERNICE HAYNES, individually and
CHARLES HAYNES, individually,

Defendants.

JURY TRIAL DEMANDED

**PLAINTIFF’S MOTION FOR ENTRY OF DEFAULT AGAINST DEFENDANT
CHARLES HAYNES BY THE COURT**

COMES NOW Plaintiff and moves that this Court enter a Default against Charles Haynes

for the following reasons:

1. Should the Court determine that it is not appropriate for the Clerk to enter a Default against Defendant Charles Haynes, then Plaintiff moves that this Honorable Court enter a Default pursuant to Fed. R. Civ. P. 55(a) against Defendant Charles Haynes for all of the reasons set forth in Plaintiff's Motion for Entry of Default by the Clerk.

2. Plaintiff's counsel has received no communication from any person on behalf of Defendant Charles Haynes or by Charles Haynes setting forth an answer or other pleading to the Amended Complaint in the above captioned case separate from receiving, through the court's electronic filing system, a Motion for appointment of counsel and affidavit in support for Charles Haynes (Docket No. 28). See Affidavit of Plaintiff's counsel attached as Exhibit 1.

3. Plaintiff does not seek the entry of a default judgment at this point in time because she has not yet retained experts that might present evidence with regard to the amount of some elements of damages. She is waiting until after rulings on the other Defendants' Motions to Dismiss before doing that.

4. Plaintiff also has sought a jury trial in the above captioned case and believes that a jury should set the damages for all Defendants. Plaintiff does not wish to have possible contradicting results from the Court setting the amount of damages on a Default judgment against Charles Haynes and a jury setting a different amount of damages against the other Defendants.

5. Should the Court believe that the proper procedure would be to enter a default judgment, Plaintiff requests a hearing in thirty (30) days from a ruling hereon for Plaintiff to submit additional affidavits and other evidence at a hearing to support the amount of damages to be assessed in support of a default judgment.

WHEREFORE, Plaintiff prays that this Honorable Court, should it decide that it is not appropriate for the Clerk to enter a Default, enter a Default against Defendant Charles Haynes and grant such other and further relief as the Court deems just under the circumstances herein.

Respectfully submitted,

/s/ Laurence D. Mass
Laurence D. Mass #30977
230 South Bemiston, Suite 1200
St. Louis, Missouri 63105
Phn: (314) 862-3333, Ext. 20
Fax: (314) 862-0605
laurencedmass@att.net

/s/ Evita Tolu
Evita Tolu #49878
Immigration Law Group, LLC
9378 Olive Blvd., Suite 307
St. Louis, MO 63132
Phn: 314-323-6022
Fax: 314-207-0086
Email: evitatolu@yahoo.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

It is hereby certified that on this 20th day of January 2022, a copy of the foregoing was filed electronically with the Clerk of the Court to be served to all counsel by operation of the Court's electronic filing system and that a copy was sent via U.S. Mail to:

Defendant Charles Haynes, Inmate ID 1332815
Warden of Farmington Correctional Facility
1012 West Columbia Street
Farmington, Missouri 63640

/s/ Laurence D. Mass